

CLOSED,RELEASED,SPS,TRANSF

**U.S. District Court
Eastern District of Oklahoma (Muskogee)
CRIMINAL DOCKET FOR CASE #: 6:19-cr-00061-RAW-1**

Case title: USA v. Baxter

Date Filed: 07/24/2019

Date Terminated: 02/13/2020

Assigned to: Judge Ronald A.
White

Defendant (1)

Orville Lonnie Baxter
TERMINATED: 02/13/2020

represented by **John A.L. Campbell**
Aston Mathis Jacobson Campbell & Tiger, PLLC
2642 E 21st St, Ste 250
Tulsa, OK 74114
918-949-9966
Fax: 918-949-9968
Email: jcampbell@amlawok.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: CJA Appointment

Pending Counts

42:1383a(a)(2) – False Statement
(1-2)

18:1001 – False Statement
(3)

Disposition

Probation for a term of 4 years; Restitution in the amount of \$17,053.00; Special Assessment in the amount of \$200.00.

Probation for a term of 4 years; Restitution in the amount of \$17,053.00; Special Assessment in the amount of \$100.00.

**Highest Offense Level
(Opening)**

Felony

Terminated Counts

None

Disposition

**Highest Offense Level
(Terminated)**

None

Complaints

Disposition

None

Plaintiff**USA**

represented by **Ryan H. Heatherman**
 US Attorney (OKED)
 520 Denison Ave
 Muskogee, OK 74401
 918-684-5100
 Fax: 918-684-5150
 Email: ryan.heatherman@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Government Attorney

Clay A. Compton
 US Attorney (OKED)
 520 Denison Ave
 Muskogee, OK 74401
 918-684-5167
 Fax: 918-684-5150
 Email: clay.compton@usdoj.gov
ATTORNEY TO BE NOTICED

Date Filed	#	Page	Docket Text
07/24/2019	<u>1</u>		FELONY INFORMATION by USA as to Orville Lonnie Baxter (1) count(s) 1-2, 3 (cjt, Deputy Clerk) (Entered: 07/24/2019)
07/26/2019	2		MINUTE ORDER by Magistrate Judge Steven P. Shreder setting Waiver of Indictment/Plea Hearing for 8/7/2019 at 2:00 p.m. in Courtroom 4, Room 420, US Courthouse, 5th & Okmulgee, Muskogee, OK before Magistrate Judge Steven P. Shreder as to Orville Lonnie Baxter. (nnd, Deputy Clerk) (Entered: 07/26/2019)
08/07/2019	3		MINUTE ORDER by Magistrate Judge Steven P. Shreder: Upon Defendant's oral motion, the Waiver of Indictment/Plea Hearing previously set for 8/7/2019 at 2:00 p.m. is hereby STRICKEN and RESET to 8/7/2019 at 3:30 p.m. in Courtroom 4, Room 420, US Courthouse, 5th & Okmulgee, Muskogee, OK before Magistrate Judge Steven P. Shreder as to Orville Lonnie Baxter (TIME CHANGE ONLY). (nnd, Deputy Clerk) (Entered: 08/07/2019)
08/07/2019	<u>4</u>		ATTORNEY APPEARANCE (CJA) by John A.L. Campbell on behalf of Orville Lonnie Baxter. (nnd, Deputy Clerk) (Entered: 08/08/2019)
08/07/2019	5		MINUTES of Proceedings held before Magistrate Judge Steven P. Shreder: Initial Appearance held on 8/7/2019 as to Orville Lonnie Baxter. (Court Reporter: Ken Sidwell) (nnd, Deputy Clerk) (Entered: 08/08/2019)
08/07/2019	<u>6</u>		CONSENT by Defendant to Proceed before a Magistrate Judge for Change of Plea (in Felony case) approved by Magistrate Judge Steven P. Shreder as to Orville Lonnie Baxter. (nnd, Deputy Clerk) (Entered: 08/08/2019)

08/07/2019	<u>7</u>	WAIVER of Indictment by Orville Lonnie Baxter. (nnd, Deputy Clerk) (Entered: 08/08/2019)
08/07/2019	<u>8</u>	MINUTES of Proceedings held before Magistrate Judge Steven P. Shreder: Waiver of Indictment/Plea Hearing held on 8/7/2019. Guilty plea entered to Counts 1–3 of the Felony Information as to Orville Lonnie Baxter. Defendant released on personal recognizance bond. (Court Reporter: Ken Sidwell) (nnd, Deputy Clerk) (Entered: 08/08/2019)
08/07/2019	<u>9</u>	ORAL MOTION for Appointment of Counsel by Orville Lonnie Baxter. (nnd, Deputy Clerk) (Entered: 08/08/2019)
08/07/2019	<u>10</u>	ORDER APPOINTING COUNSEL by Magistrate Judge Steven P. Shreder GRANTING (9) Oral Motion for Appointment of Counsel as to Orville Lonnie Baxter (Attachments: # <u>1</u> Financial Affidavit) (nnd, Deputy Clerk) (Entered: 08/08/2019)
08/07/2019	<u>11</u>	WAIVER of Right to Trial by Jury approved by Magistrate Judge Steven P. Shreder by Orville Lonnie Baxter (nnd, Deputy Clerk) (Entered: 08/08/2019)
08/07/2019	<u>12</u>	PLEA AGREEMENT by USA and Orville Lonnie Baxter (nnd, Deputy Clerk) (Entered: 08/08/2019)
08/07/2019	<u>13</u>	SEALED PLEA AGREEMENT SUPPLEMENT (nnd, Deputy Clerk) (Entered: 08/08/2019)
08/07/2019	<u>14</u>	APPEARANCE BOND (Personal Recognizance) approved by Magistrate Judge Steven P. Shreder as to Orville Lonnie Baxter (nnd, Deputy Clerk) (Entered: 08/08/2019)
08/15/2019	<u>15</u>	MOTION for One Point Reduction by USA as to Orville Lonnie Baxter (Heatherman, Ryan) (Entered: 08/15/2019)
10/10/2019	<u>16</u>	DRAFT PRESENTENCE INVESTIGATION REPORT as to Orville Lonnie Baxter . NOTE: This document will only be accessible to the government attorney and the attorney for the applicable defendant. Other defendants and the general public will NOT be able to view this draft document. The Court considers this Presentence Investigation Report confidential information, and everyone who receives a copy of this document is responsible for any further disclosures. Parties should submit objections to this report by secure e-mail in pdf format to USPO Kirk, Hilary_Kirk@okep.uscourts.gov . Government objections to Draft Presentence Investigation Report due no later than 10/24/2019 pursuant to Rule 32. Defendants objections to Draft Presentence Investigation Report due no later than 10/24/2019 pursuant to Rule 32. (tah, USPO Clerk) (Entered: 10/10/2019)
10/21/2019	<u>17</u>	OBJECTION TO DRAFT PRESENTENCE INVESTIGATION REPORT by Orville Lonnie Baxter re <u>16</u> Draft Presentence Investigation Report. Access to this document is available only to the following parties: USA, Orville Lonnie Baxter. Other defendants and the general public will NOT be able to view this document. (tah, USPO Clerk) (Entered: 10/21/2019)
10/31/2019	<u>18</u>	ADDENDUM TO PRESENTENCE INVESTIGATION REPORT re <u>16</u> Draft Presentence Investigation Report, as to Orville Lonnie Baxter . NOTE: This document will only be accessible to appropriate court staff, the government attorney and the attorney for the applicable defendant. Other defendants in the

			case and the general public will NOT be able to view this document. The Court considers this Addendum confidential information, and everyone who receives a copy of this document is responsible for any further disclosures. (tah, USPO Clerk) (Entered: 10/31/2019)
10/31/2019	<u>19</u>		FINAL PRESENTENCE INVESTIGATION REPORT as to Orville Lonnie Baxter . NOTE: This document will only be accessible to appropriate court staff, the government attorney and the attorney for the applicable defendant. Other defendants in the case and the general public will NOT be able to view this document. The Court considers this Presentence Investigation Report confidential information, and everyone who receives a copy of this document is responsible for any further disclosures. (tah, USPO Clerk) (Entered: 10/31/2019)
01/28/2020	20		MINUTE ORDER by Judge Ronald A. White : Sentencing set for 2/5/2020 at 10:00 AM in Courtroom 2, Room 224, US Courthouse, 5th & Okmulgee, Muskogee, OK before Judge Ronald A. White as to Orville Lonnie Baxter. (lal, Deputy Clerk) (Entered: 01/28/2020)
01/30/2020	<u>21</u>		MOTION to Continue Sentencing by Orville Lonnie Baxter. (Campbell, John) (Entered: 01/30/2020)
01/31/2020	22		MINUTE ORDER by Judge Ronald A. White: granting <u>21</u> Motion to Continue Sentencing as to Orville Lonnie Baxter. Sentencing set for 2/5/2020 at 10:00 AM is STRICKEN to be reset at a later date. (cjt, Deputy Clerk) (Entered: 01/31/2020)
02/03/2020	23		MINUTE ORDER by Judge Ronald A. White: Sentencing set for 2/12/2020 at 1:00 PM in Courtroom 2, Room 224, US Courthouse, 5th & Okmulgee, Muskogee, OK before Judge Ronald A. White as to Orville Lonnie Baxter. (tls, Deputy Clerk) (Entered: 02/03/2020)
02/05/2020	<u>24</u>		SENTENCING MEMORANDUM as to Orville Lonnie Baxter (Campbell, John) (Entered: 02/05/2020)
02/10/2020	<u>25</u>		RESPONSE (Re: <u>24</u> Sentencing Memorandum) by USA as to Orville Lonnie Baxter (Heatherman, Ryan) (Entered: 02/10/2020)
02/10/2020	<u>26</u>		SECOND ADDENDUM TO PRESENTENCE INVESTIGATION REPORT re <u>16</u> Draft Presentence Investigation Report, as to Orville Lonnie Baxter . NOTE: This document will only be accessible to appropriate court staff, the government attorney and the attorney for the applicable defendant. Other defendants in the case and the general public will NOT be able to view this document. The Court considers this Addendum confidential information, and everyone who receives a copy of this document is responsible for any further disclosures. (tah, USPO Clerk) (Entered: 02/10/2020)
02/10/2020	<u>27</u>		REVISED FINAL PRESENTENCE INVESTIGATION REPORT as to Orville Lonnie Baxter . Revised to reflect correct potential restitution. NOTE: This document will only be accessible to appropriate court staff, the government attorney and the attorney for the applicable defendant. Other defendants in the case and the general public will NOT be able to view this document. The Court considers this Presentence Investigation Report confidential information, and everyone who receives a copy of this document is responsible for any further disclosures. (tah, USPO Clerk) (Entered: 02/10/2020)

		02/10/2020)
02/12/2020	<u>28</u>	MINUTES of Proceedings held before Judge Ronald A. White: Sentencing held on 2/12/2020 as to Orville Lonnie Baxter (Re: <u>15</u> MOTION for One Point Reduction) (Court Reporter: Ken Sidwell) (tls, Deputy Clerk) (Entered: 02/12/2020)
02/13/2020	<u>29</u>	JUDGMENT AND COMMITMENT by Judge Ronald A. White as to Orville Lonnie Baxter (tls, Deputy Clerk) (Entered: 02/13/2020)
02/13/2020	<u>30</u>	STATEMENT OF REASONS re <u>29</u> Judgment and Commitment as to Orville Lonnie Baxter NOTE: This document will only be accessible to chambers staff for the presiding judge, the government attorney and the attorney for the applicable defendant. Parties in the case and the general public will NOT be able to view this document. (tah, USPO Clerk) (Entered: 02/13/2020)
02/21/2020	<u>31</u>	REQUEST for Modifying Conditions with ORDER thereon by Judge Ronald A. White as to Orville Lonnie Baxter (Attachments: # <u>1</u> Waiver of Hearing) (cjt, Deputy Clerk) (Entered: 02/21/2020)
02/28/2020	<u>32</u>	WAIVER of Appeal (Re: <u>29</u> Judgment and Commitment) by Orville Lonnie Baxter (Campbell, John) (Entered: 02/28/2020)
03/11/2020	<u>33</u>	ATTORNEY APPEARANCE by Clay A. Compton on behalf of USA (Compton, Clay) (Entered: 03/11/2020)
03/11/2020	<u>34</u>	TRANSFER by Judge Ronald A. White of Jurisdiction of Probationer or Supervised Releasee to the Western District of Oklahoma as to Orville Lonnie Baxter (lal, Deputy Clerk) (Entered: 03/12/2020)

FILED

JUL 24 2019

PATRICK KEANEY
Clerk, U.S. District Court

By Deputy Clerk

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,

Plaintiff,

v.

ORVILLE LONNIE BAXTER,

Defendant.

Case No. **CR 19 - 061 - RAW**

INFORMATION

The United States Attorney charges:

COUNT ONE

FALSE STATEMENT
[42 U.S.C. § 1383a(a)(2)]

On or about November 1, 2016, within the Eastern District of Oklahoma, the defendant, **ORVILLE LONNIE BAXTER**, did knowingly make or caused to be made any false statement or representation of a material fact to the Social Security Administration used to determine the right for any benefit. Specifically, **ORVILLE LONNIE BAXTER** stated that he lived alone, when, in fact, **ORVILLE LONNIE BAXTER** knew that he was living in a residence with his spouse, in violation of Title 42, United States Code, Section 1383a(a)(2).

COUNT TWO

FALSE STATEMENT
[42 U.S.C. § 1383a(a)(2)]

On or about October 4, 2018, within the Eastern District of Oklahoma, the defendant, **ORVILLE LONNIE BAXTER**, did knowingly make or caused to be made any false statement or representation of a material fact to the Social Security Administration used to determine the right for any benefit. Specifically, **ORVILLE LONNIE BAXTER** stated that he lived alone,

when, in fact, **ORVILLE LONNIE BAXTER** knew that he was living in a residence with his spouse, in violation of Title 42, United States Code, Section 1383a(a)(2).

COUNT THREE

**FALSE STATEMENT
[18 U.S.C. § 1001]**

On or about October 25, 2018, within the Eastern District of Oklahoma, the defendant, **ORVILLE LONNIE BAXTER**, did knowingly and willfully, make a materially false statement or representation, in a matter within the jurisdiction of the Social Security Administration of the United States, by submitting Form SSA-795 to a Social Security Administration Representative that stated he did not live in a residence with his spouse, when, in fact, defendant, **ORVILLE LONNIE BAXTER**, knew that he was living in a residence with his spouse, in violation of Title 18, United States Code, Section 1001.

BRIAN J. KUESTER
United States Attorney



RYAN HEATHERMAN OBA#20721
Assistant United States Attorney

UNITED STATES DISTRICT COURT

Eastern District of Oklahoma

UNITED STATES OF AMERICA

v.

ORVILLE LONNIE BAXTER

JUDGMENT IN A CRIMINAL CASE

Case Number: CR-19-00061-001-RAW

USM Number: 08589-063

John A. L. Campbell

Defendant's Attorney

THE DEFENDANT:

☒ pleaded guilty to count(s) 1, 2 & 3 of the Information☐ pleaded nolo contendere to count(s) _____
which was accepted by the court.☐ was found guilty on count(s) _____
after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Count</u>
42:1383a(a)(2)	False Statement	November 1, 2016	1
42:1383a(a)(2)	False Statement	October 4, 2018	2
18:1001	False Statement	October 25, 2018	3

The defendant is sentenced as provided in pages 2 through 5 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

☐ The defendant has been found not guilty on count(s) _____☐ Count(s) _____ ☐ is ☐ are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

February 12, 2020

Date of Imposition of Judgment

Ronald A. White
United States District Judge
Eastern District of Oklahoma

February 13, 2020

Date

DEFENDANT: Orville Lonnie Baxter
CASE NUMBER: CR-19-00061-001-RAW

PROBATION

You are hereby sentenced to probation for a term of : 4 years on each of Counts 1, 2 & 3 of the Information.
The terms on each count shall be served concurrently.

MANDATORY CONDITIONS

1. You must not commit another federal, state or local crime.
2. You must not unlawfully possess a controlled substance.
3. You must refrain from any unlawful use of a controlled substance. You must submit to one drug test within 15 days of placement on probation and at least two periodic drug tests thereafter, as determined by the court.
☒ The above drug testing condition is suspended, based on the court's determination that you pose a low risk of future substance abuse. *(check if applicable)*
4. ☒ You must cooperate in the collection of DNA as directed by the probation officer. *(check if applicable)*
5. ☐ You must comply with the requirements of the Sex Offender Registration and Notification Act ([34 U.S.C. § 20901](#), et seq.) as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in the location where you reside, work, are a student, or were convicted of a qualifying offense. *(check if applicable)*
6. ☐ You must participate in an approved program for domestic violence. *(check if applicable)*
7. ☒ You must make restitution in accordance with [18 U.S.C. §§ 2248, 2259, 2264, 2327, 3663, 3663A, and 3664](#). *(check if applicable)*
8. You must pay the assessment imposed in accordance with [18 U.S.C. § 3013](#).
9. If this judgment imposes a fine, you must pay in accordance with the Schedule of Payments sheet of this judgment.
10. You must notify the court of any material change in your economic circumstances that might affect your ability to pay restitution, fines, or special assessments.

You must comply with the standard conditions that have been adopted by this court as well as with any other conditions on the attached page.

DEFENDANT: Orville Lonnie Baxter
CASE NUMBER: CR-19-00061-001-RAW

STANDARD CONDITIONS OF SUPERVISION

As part of your probation, you must comply with the following standard conditions of supervision. These conditions are imposed because they establish the basic expectations for your behavior while on supervision and identify the minimum tools needed by probation officers to keep informed, report to the court about, and bring about improvements in your conduct and condition.

1. You must report to the probation office in the federal judicial district where you are authorized to reside within 72 hours of the time you were sentenced, unless the probation officer instructs you to report to a different probation office or within a different time frame.
2. After initially reporting to the probation office, you will receive instructions from the court or the probation officer about how and when you must report to the probation officer, and you must report to the probation officer as instructed.
3. You must not knowingly leave the federal judicial district where you are authorized to reside without first getting permission from the court or the probation officer.
4. You must answer truthfully the questions asked by your probation officer.
5. You must live at a place approved by the probation officer. If you plan to change where you live or anything about your living arrangements (such as the people you live with), you must notify the probation officer at least 10 days before the change. If notifying the probation officer in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
6. You must allow the probation officer to visit you at any time at your home or elsewhere, and you must permit the probation officer to take any items prohibited by the conditions of your supervision that he or she observes in plain view.
7. You must work full time (at least 30 hours per week) at a lawful type of employment, unless the probation officer excuses you from doing so. If you do not have full-time employment you must try to find full-time employment, unless the probation officer excuses you from doing so. If you plan to change where you work or anything about your work (such as your position or your job responsibilities), you must notify the probation officer at least 10 days before the change. If notifying the probation officer at least 10 days in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
8. You must not communicate or interact with someone you know is engaged in criminal activity. If you know someone has been convicted of a felony, you must not knowingly communicate or interact with that person without first getting the permission of the probation officer.
9. If you are arrested or questioned by a law enforcement officer, you must notify the probation officer within 72 hours.
10. You must not own, possess, or have access to a firearm, ammunition, destructive device, or dangerous weapon (i.e., anything that was designed, or was modified for, the specific purpose of causing bodily injury or death to another person such as nunchakus or tasers).
11. You must not act or make any agreement with a law enforcement agency to act as a confidential human source or informant without first getting the permission of the court.
12. If the probation officer determines that you pose a risk to another person (including an organization), the probation officer, after obtaining Court approval, may require you to notify the person about the risk and you must comply with that instruction. The probation officer may contact the person and confirm that you have notified the person about the risk.
13. You must follow the instructions of the probation officer related to the conditions of supervision.

U.S. Probation Office Use Only

A U.S. probation officer has instructed me on the conditions specified by the court and has provided me with a written copy of this judgment containing these conditions. For further information regarding these conditions, see *Overview of Probation and Supervised Release Conditions*, available at: www.uscourts.gov.

Defendant's Signature _____

Date _____

DEFENDANT: Orville Lonnie Baxter
CASE NUMBER: CR-19-00061-001-RAW

CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

	<u>Assessment</u>	<u>Restitution</u>	<u>Fine</u>	<u>AVAA Assessment*</u>	<u>JVTA Assessment**</u>
TOTALS	\$ 300.00	\$ 17,053.00	\$ 0.00	\$ 0.00	\$ 0.00

☐ The determination of restitution is deferred until _____. An *Amended Judgment in a Criminal Case (AO 245C)* will be entered after such determination.

☒ The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss***</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
Commission of Social Security 1100 West High Rise 6401 Security Boulevard Baltimore, Maryland 21235	17,053.00	17,053.00	

TOTALS	\$ <u>17,053.00</u>	\$ <u>17,053.00</u>
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☐ Restitution amount ordered pursuant to plea agreement \$ _____

☐ The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

☒ The court determined that the defendant does not have the ability to pay interest and it is ordered that:

☒ the interest requirement is waived for ☐ fine ☒ restitution.

☐ the interest requirement for ☐ fine ☐ restitution is modified as follows:

* Amy, Vicky, and Andy Child Pornography Victim Assistance Act of 2018, Pub. L. No. 115-299.

** Justice for Victims of Trafficking Act of 2015, Pub. L. No. 114-22.

*** Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

DEFENDANT: Orville Lonnie Baxter
CASE NUMBER: CR-19-00061-001-RAW

SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties is due as follows:

- A** ☐ Lump sum payment of \$ _____ due immediately, balance due
- ☐ not later than _____, or
- ☐ in accordance with ☐ C ☐ D, ☐ E, or ☐ F below; or
- B** ☒ Payment to begin immediately (may be combined with ☐ C, ☐ D, or ☒ F below); or
- C** ☐ Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after the date of this judgment; or
- D** ☐ Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E** ☐ Payment during the term of supervised release will commence within _____ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F** ☒ Special instructions regarding the payment of criminal monetary penalties:
- Said special assessment of \$300 is due immediately. Said restitution of \$17,053 is due and payable immediately.
- Said special assessment and restitution shall be paid through the United States Court Clerk for the Eastern District of Oklahoma, P.O. Box 607, Muskogee, OK 74402.
- If the defendant's financial condition does not allow for immediate payment of the restitution, the defendant shall make monthly installments of not less than \$100 beginning April 7, 2020. Notwithstanding establishment of a payment schedule, nothing shall prohibit the United States from executing or levying upon non-exempt property of the defendant discovered before or after the date of this judgment. In the event the defendant receives any federal or state income tax refund during the period of supervision, the defendant shall pay 100% of the total refund toward said restitution.

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during the period of imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

<input type="checkbox"/> Joint and Several			
Case Number			
Defendant and Co-Defendant Names (including defendant number)	Total Amount	Joint and Several Amount	Corresponding Payee, if appropriate

- ☐ The defendant shall pay the cost of prosecution.
- ☐ The defendant shall pay the following court cost(s):
- ☐ The defendant shall forfeit the defendant's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) AVAA assessment, (5) fine principal, (6) fine interest, (7) community restitution, (8) JVT assessment, (9) penalties, and (10) costs, including cost of prosecution and court costs.

UNITED STATES DISTRICT COURT
for the
Eastern District of Oklahoma

Request for Modifying the Conditions or Term of Supervision
with Consent of the Offender

Probation Form 49, Waiver of Hearing is Attached

Name of Offender: Orville Lonnie Baxter

Case Number: CR-19-00061-RAW

Name of Judicial Officer: The Honorable Ronald A. White

Date of Original Sentence: February 12, 2020

Original Offense: Ct. 1- False Statement, Ct. 2- False Statement, Ct.3- False Statement

Original Sentence: Ct. 1- 4 years probation, Ct. 2- 4 years probation, Ct. 3- 4 years probation,
with all counts to run concurrently.

Type of Supervision: Probation

Date Supervision Commenced: February 12, 2020

PETITIONING THE COURT

☐ To extend the term of supervision for years, for a total of years.

☒ To modify the conditions of supervision as follows:

The defendant shall disclose all assets and liabilities to the probation office. The defendant shall not transfer, sell, give away or otherwise convey any asset without first consulting with the probation office.

The defendant shall, upon request of the probation office, authorize release of any and all financial records, income tax records and social security records, by execution of release of financial information form, or by any other appropriate means.

The defendant shall maintain a single checking account in his name. The defendant shall deposit into his account all income, monetary gains, or other pecuniary proceeds, and make use of this account for payment of all personal expenses. All other bank accounts must be disclosed to the probation office.

The defendant shall not make application for any loan or enter into any credit arrangement without first consulting with the probation office.

If the defendant maintains interest in any business or enterprise, the defendant shall, upon request, surrender and/or make available for review, any and all documents and records of said business or enterprise to the probation office.

CAUSE

Mr. Baxter resides within the Western District of Oklahoma and has no plans to relocate to the Eastern District of Oklahoma. The Western District has requested Mr. Baxter's conditions be modified in order to allow the Probation Office to more effectively supervise Mr. Baxter. Mr. Baxter has signed a Waiver of Hearing to Modify Conditions of Supervised Release, form PROB 49.

Reviewed and approved,

Respectfully submitted,

by: s/ Robert L. Gwin

by: s/ Hilary Kirk

Robert L. Gwin
Supervisory U. S. Probation Officer
Date: February 18, 2020

Hilary Kirk
U.S. Probation Officer
Date: February 18, 2020

THE COURT ORDERS:

- [] No Action
[] The Extension of Supervision as Noted Above
[X] The Modification of Conditions as Noted Above
[] Other

Dated this 21st day of February, 2020.



Ronald A. White
United States District Judge
Eastern District of Oklahoma

PROB 49

**Waiver of Hearing to Modify Conditions
of Probation/Supervised Release or Extend Term of Supervision**

**UNITED STATES DISTRICT COURT
FOR THE
EASTERN DISTRICT OF OKLAHOMA**

I, Orville Baxter, have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation or Supervised Release or my period of supervision being extended. By 'assistance of counsel', I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

I, Orville Baxter, hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modification of my Conditions of Probation or Supervised Release or to the proposed extension of my term of supervision:


The defendant shall disclose all assets and liabilities to the probation office. The defendant shall not transfer, sell, give away or otherwise convey any asset without first consulting with the probation office.

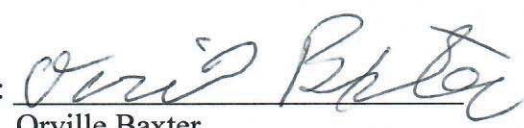
The defendant shall, upon request of the probation office, authorize release of any and all financial records, income tax records and social security records, by execution of release of financial information form, or by any other appropriate means.

The defendant shall maintain a single checking account in his name. The defendant shall deposit into his account all income, monetary gains, or other pecuniary proceeds, and make use of this account for payment of all personal expenses. All other bank accounts must be disclosed to the probation office.

The defendant shall not make application for any loan or enter into any credit arrangement without first consulting with the probation office.




If the defendant maintains interest in any business or enterprise, the defendant shall, upon request, surrender and/or make available for review, any and all documents and records of said business or enterprise to the probation office.

Witness: 
Raymond Doud
U.S. Probation Officer

Signed: 
Orville Baxter
Supervised Releasee

2-18-20

Date

PROB 22 <div style="text-align: center;">TRANSFER OF JURISDICTION</div>		DOCKET NUMBER (Tran. Court) CR-19-00061-001-RAW <hr/> DOCKET NUMBER (Rec. Court) CR-20-65-JD	
NAME AND ADDRESS OF PROBATIONER/SUPERVISED RELEASEE: Orville Lonnie Baxter	DISTRICT EASTERN DISTRICT OF OKLAHOMA	DIVISION Muskogee	
	NAME OF SENTENCING JUDGE Honorable Ronald A. White		
	DATES OF PROBATION/SUPERVISED RELEASE:	FROM 02/12/2020	TO 02/11/2024
OFFENSE Ct. 1: False Statement, 42 U.S.C. § 1383a(a)(2) Ct. 2: False Statement, 42 U.S.C. § 1383a(a)(2) Ct. 3: False Statement, 18 U.S.C. § 1001			
PART 1 - ORDER TRANSFERRING JURISDICTION			
UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF OKLAHOMA			
IT IS HEREBY ORDERED that pursuant to 18 U.S.C. 3605 the jurisdiction of the probationer or supervised releasee named above be transferred with the records of the Court to the United States District Court for the Western District of Oklahoma upon that Court's order of acceptance of jurisdiction. This Court hereby expressly consents that the period of probation or supervised release may be changed by the District Court to which this transfer is made without further inquiry of this Court.*			
<u>2/27/2020</u> Date		 United States District Judge	
*This sentence may be deleted in the discretion of the transferring Court.			
PART 2 - ORDER ACCEPTING JURISDICTION			
UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF OKLAHOMA			
IT IS HEREBY ORDERED that jurisdiction over the above-named probationer/supervised releasee be accepted and assumed by this Court from and after the entry of this order.			
<u>3/11/20</u> Effective Date		  United States District Judge	